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Attorney for Petitioner  
NOEL VALDIVIA, SR.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NOEL VALDIVIA, SR.,

Petitioner,

v.

JILL BROWN, Warden, et al.,

Respondents.

No. CIV. S-05-0416 FCD DAD

**STIPULATION AND ORDER DIRECTING  
FEDERAL PRETRIAL SERVICES TO  
PROVIDE PROGRESS SUMMARY**

Judge: Frank C. Damrell, Jr.  
[Chambers]

Whereas on June 25, 2010, this Court granted Petitioner's request to be released from Respondents' prison custody pending appeal, Docket entry no. 73;

Whereas on July 1, 2010, this Court granted the parties stipulated agreement that Petitioner be supervised by the United States Pretrial Services Office of the Eastern District of California, Docket entry no. 75;

Whereas Petitioner has been released from prison since July 8, 2010, Docket entry no. 77, and been supervised by the Pretrial Services Office and its officer Darryl Walker since then;

Whereas the California Board of Parole Hearings has determined that it will conduct a not-in-custody parole consideration hearing on August 19, 2011, for Petitioner for the purpose of determining Petitioner's current suitability for parole, particularly in light of his performance while released from prison pending Respondents' appeal; and

1           Whereas before this parole consideration hearing both Petitioner and the California  
2 Board of Parole Hearings will benefit by having a written progress report from the Pretrial  
3 Services Office and its officer, Darryl Walker, that summarizes Petitioner's performance and  
4 history while on supervision; and

5           Whereas the state parole statutes and regulations base the parole decision in part on  
6 documents in the prisoner's department central file and grant prisoner's the right to review such  
7 documents at least 10 days before the week of the parole hearing. Cal. Penal Code § 3041; Tit.  
8 15 Cal. Code Reg. § 2247;

9           It is hereby stipulated between the Petitioner NOEL VALDIVIA, SR., and his  
10 attorney, the Office of the Federal Defender and its attorney, ANN C. M<sup>c</sup>CLINTOCK, Assistant  
11 Federal Defender, and Respondents and their attorney Supervising Deputy Attorney General  
12 JENNIFER A. NEILL, as follows:

13           1. the parties shall notice Pretrial Services and its officer, Darryl Walker, of the date,  
14 time, and, if then known, the location of the not-in-custody parole consideration hearing for  
15 Petitioner within 5 days of learning it is scheduled by the Board; and

16       ///

2. that this Court order and direct the Office of Pretrial Services and its officer, Darryl Walker, to provide Petitioner and the California Board of Parole Hearings with a written progress report that summarizes and details Petitioner's performance while on supervision since July 8, 2010, no less than 10 days before the week of the scheduled date of the not-in-custody parole consideration hearing.

Dated: June 14, 2011

Respectfully submitted,

DANIEL J. BRODERICK  
Federal Defender

s/ Ann C. McClintock  
ANN C. MCCLINTOCK  
Assistant Federal Defender

Attorney for Petitioner  
NOEL VALDIVIA, SR.

Dated: June 14, 2011

KAMALA D. HARRIS  
Attorney General

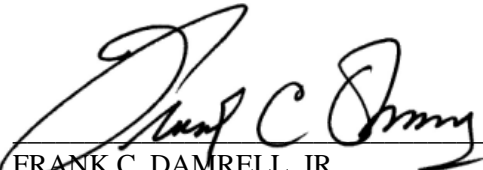
s/ Jennifer A. Neill  
JENNIFER A. NEILL  
Supervising Deputy Attorney General

Attorneys for Respondents

### ORDER

For good cause shown, IT IS THEREFORE ORDERED that the Office of Pretrial Services and its officer, Darryl Walker, shall provide Petitioner and the California Board of Parole Hearings, no less than 10 days before the week of the scheduled date of the not-in-custody parole consideration hearing, a written progress report that summarizes and details Petitioner's performance while on supervision since July 8, 2010. The parties shall inform Pretrial Services of the date, time and location (if then known) of the not-in-custody parole consideration hearing within 5 days of learning that it is scheduled.

Dated: June 15, 2011

  
FRANK C. DAMRELL, JR.  
UNITED STATES DISTRICT JUDGE